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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Cuba

1. The Committee considered the initial report of Cuba (CRC/C/8/Add.30) at its 374th to 376th meetings (CRC/C/SR.374-376), held on 21 and 22 May 1997 and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to the Committee's list of questions (CRC/C/Q/CUB.1). The Committee expresses its appreciation to the State party for engaging in an open dialogue and for acknowledging the problems, difficulties and challenges facing the country in implementing the Convention.

B. Positive aspects

3. The Committee notes the historic progress the State party has made in providing services for and advancing the well-being of children, especially in the fields of health and education, which are reflected in the country's socio-economic indicators such as its infant mortality rate and teacher-pupil ratio.

* At the 398th meeting, held on 6 June 1997.

4. The Committee notes with satisfaction that a Plan of Action to attain the goals of the World Summit for Children has been formulated and is being implemented at both the national and municipal levels.

5. Note is taken of the Government's recent initiatives to implement sex education programmes in cooperation with the United Nations Population Fund (UNFPA).

6. The Committee takes note of the importance the State party attaches to the provision of care for the disabled and the priority measures introduced in this area.

7. The Committee also takes note of the willingness of the State party to provide international assistance to victims of emergencies, particularly in the case of 14,000 persons affected by the Chernobyl environmental disaster who received treatment offered by Cuba.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee takes note of the difficulties for the State party in its implementation of the Convention as a result of the dissolution of its traditional economic ties and the intensification of the trade embargo.

D. Principal subjects of concern

9. It is the view of the Committee that insufficient steps have been taken to study and review the compatibility of national legislation with the principles and provisions of the Convention, so as to ensure fulfilment of all the rights provided for in the Convention.

10. The Committee is concerned that insufficient steps have been taken to adequately reflect, in the State report, all the rights provided for in the Convention.

11. The Committee is concerned about the sectoral approach adopted by existing mechanisms monitoring the implementation of the Convention and their ineffectiveness in reflecting the holistic approach essential to a comprehensive implementation of the Convention.

12. The Committee is further concerned about the lack of an independent mechanism, such as an Ombudsperson, accessible to children to deal with complaints of the violation of their rights and to provide remedies for such violations.

13. The Committee draws the attention of the State party to certain lacunae in the statistical and other information collected by the State party, including with respect to the choice and development of indicators to monitor the implementation of the principles and provisions of the Convention. From information provided in the State party's report, the Committee notes that in certain instances statistics on the situation of children are being collected only for children up to the age of 15.

14. The Committee is concerned about the inadequacy of measures taken to incorporate education about the principles and provisions of the Convention fully into the training given to professionals working with and for children, including judges, lawyers, law enforcement personnel, teachers, social welfare officers, doctors and other health professionals, as well as personnel working in child-care institutions for children and officials of the central and local administrations.

15. The Committee is concerned about the failure to provide for a minimum age for sexual consent and the absence of harmonization between the age for the completion of compulsory schooling and the minimum age for employment.

16. The Committee is of the view that insufficient measures have been taken to ensure the implementation of the general principles of the Convention in policy, practice and procedures, especially with regard to article 3 (the best interests of the child) and article 12 (respect for the views of the child). The Committee is of the view that the measures taken to ensure respect for the views of the child, in the family and social life, as well as in the context of administrative, social welfare and other procedures affecting and applying to them, are insufficient.

17. The Committee regrets the insufficiency of information provided on the implementation of the civil rights and freedoms of children.

18. It is the view of the Committee that the apparent absence of independent mechanisms for monitoring the situation of children in institutions is a matter of concern.

19. While the Committee takes note of the State party's efforts to deal with the issue of child abuse, including through the establishment of an early warning system for violence against children, it is of the view that these measures are insufficient to fully protect children from such violations. Furthermore, serious concern remains in relation to a child's opportunity to report abuse and other violations of his/her rights in the family, schools or other institutions and to have a complaint taken seriously and responded to effectively.

20. The Committee is also concerned about issues relating to children who exhibit anti-social behaviour, namely an increase in the number of children with behavioural problems and the adequacy of existing mechanisms to address their problems effectively.

21. The Committee notes with concern that obstacles remain to the effective implementation of the family planning and education programmes in the country, particularly in view of the lack of quality materials and services available in Cuba.

22. The Committee has noted that, while there is an absence of statistics relating to the incidence of school drop-out, available statistics reveal a decline in the number of children enrolled in secondary education and a reduction in the availability of scholarships for children to continue their education.

23. With regard to the issues of drug abuse and trafficking, child labour, child prostitution and suicide, the Committee takes note of the information provided by the State party that cases involving children are few and isolated. Nonetheless, it wishes to express its concern that, in light of the considerable social and economic problems facing the country, insufficient efforts are being taken by the State party to devise preventive strategies to ensure that such problems do not become more prevalent, thereby endangering future generations of children.

24. It is also a matter of concern to the Committee that some issues relating to the system of juvenile justice were not fully addressed, including on the compatibility of the juvenile justice system with the principles and provisions of the Convention, especially in relation to the protection afforded to children aged 16 to 18 years of age and the detention of children with adults.

E. Suggestions and recommendations

25. In the spirit of the Vienna Declaration and Programme of Action of 1993 and in light of the discussion in the Committee, the Committee recommends that the State party consider the possibility of reviewing the Declaration it made to the Convention with a view to its withdrawal.

26. The Committee encourages the State party to undertake a review of its national legislation in order to ensure its full compatibility with the principles and provisions of the Convention and that the whole range of rights provided for in the Convention find expression in domestic legislation, policy and actions.

27. The Committee encourages the State party in its efforts to consider becoming a party to related human rights instruments, including the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 and the Convention relating to the Status of Refugees of 1951.

28. The State party is urged to take action to strengthen the capacity of the country's monitoring and coordinating mechanisms concerning the rights of the child with the aim of ensuring a holistic approach to the implementation of the Convention and raising the political visibility of issues relating to children.

29. In light of the Committee's view that further efforts are required to ensure that the Convention is used as a political tool and a framework for action on behalf of children, the Committee recommends that future national and local programmes of action on children incorporate policies, programmes, aims and goals reflecting the principles and provisions of the Convention.

30. In accordance with the principles and provisions of the Convention, the Committee suggests that the State party consider introducing systems, within the framework of international cooperation, which provide for the collection, compilation and analysis of data concerning children up to the age of 18, including information on the violations of the rights of the child, disaggregated, inter alia, by gender and location.

31. It is further recommended that education about the principles and provisions of the Convention be included in the training of professionals working with and for children such as doctors, health and social welfare personnel, judges, law enforcement personnel, lawyers, teachers, personnel working in child-care institutions and officials of the central and local administrations.

32. In accordance with the Convention, the Committee recommends the harmonization of legislation, including with respect to the age of completion of compulsory schooling and the minimum age for employment.

33. The Committee recommends that further measures be taken to ensure the effective implementation of the general principles of the Convention, notably non-discrimination, best interests of the child and respect for the views of the child. Thus, these principles should constitute the framework for the design and implementation of policy in all actions concerning children whether undertaken by social welfare institutions, administrative authorities or legislative bodies.

34. The Committee encourages the State party to pursue the efforts required to ensure a holistic approach to the implementation of the Convention, which reaffirms that the rights of the child are indivisible, interdependent and interrelated and that the rights of the child should be addressed in an integrated manner. In this regard, the Committee recommends that special attention be accorded to the implementation of the civil rights and freedoms of children.

35. The Committee recommends that further measures to protect children from abuse and maltreatment be undertaken, in particular through the development of a widespread public information campaign for the prevention of corporal punishment and bullying of children, whether by adults or by other children.

36. In relation to the State party's strategy for dealing with accidents affecting children, the Committee suggests that the State party consider focusing even greater efforts on preventive measures.

37. The Committee recommends that further resources and assistance be devoted to activities in the area of family planning and health education programmes, with a view to addressing the problem of teenage or unwanted pregnancies and changing male sexual behaviour. Issues relating to the incidence and treatment of children infected with or affected by HIV/AIDS and STDs and to reducing the apparent recourse to abortion as a method of family planning should also be the focus of programmatic actions. It is also recommended that major efforts be undertaken to broaden the coverage of reproductive health educational programmes beyond married couples.

38. The Committee is of the view that the State party should review, as a matter of urgency, the minimum legal age of sexual consent with a view to raising it.

39. The Committee recommends that further psycho-social measures should be taken to prevent and control the debilitating effects of behavioural problems affecting children.

40. With respect to the implementation of articles 28 and 32 of the Convention, the Committee recommends that further measures be taken to implement the recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations with respect to the obligations arising from ILO Convention No. 79 which provides for a period of rest at night of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m., for young persons under the age of 18. The Committee also suggests that additional efforts be undertaken to monitor more closely the implementation of articles 28 and 32 of the Convention, including through the development and use of selected indicators to track trends in such matters as the drop-out rate from school and the entry of children into the informal labour market.

41. While the Committee notes that begging, drug abuse and trafficking and child prostitution are not major problems in the country at present, the Committee recommends that the Government monitor these issues closely with a view to their early prevention.

42. The Committee further recommends that the Criminal Code provide for the protection of children up to the age of 18 from sexual exploitation. The Committee also recommends that further measures be undertaken in order to address matters relating to the sexual exploitation of children, particularly through tourism, taking into account the recommendations adopted at the World Congress against the Commercial Sexual Exploitation of Children held in Stockholm.

43. In light of article 44, paragraph 6 of the Convention, the Committee recommends that the initial report and the written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, National Assembly and general public.

44. The Committee would appreciate receiving from the State party, in writing, further information on the questions and issues raised during the discussion which were not fully answered or clarified, including with respect to matters relating to the right of the child to family reunification.